

From: Jens Benecke
To: Microsoft ATR
Date: 12/10/01 9:14am
Subject: Microsoft Settlement.

Dear Sirs,

I would like to express my views regarding the Microsoft settlement case. I read an article about this case at

<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>

where Microsoft's remedies were commented in detail. My opinion is that if Microsoft were allowed to carry on business under these obligations, it would receive a perfect opportunity to kill of, or rather slowly strangle, its single most important competitor. I think this competitor is vital to the continuity of the Internet and IT industry, and I would like you to reconsider the obligations for Microsoft to continue business.

This might be a little lengthy, but I have taken a lot of time writing this (over 2 hours) and I would appreciate if you read it entirely.

Thank you in advance!

The settlement imposes some actions on Microsoft that it needs to disclose APIs, programming information and source code to competing *companies* - but it leaves the definition of what a company *is* to Microsoft itself. With this requirement, Microsoft can effectively refuse information about their systems (perhaps even what is now published to everybody) to all entities that are NOT a company, e.g. projects that are driven by hobbyists and only supported and distributed (partly) by companies.

I am talking primarily about Open Source software projects. This settlement endangers Open Source software. And most people, frankly, have no idea how dependant they are on it - which is a good thing.

1) Why is Open Source software important?

Ordinarily, in the business world Microsoft would use standard commercial tactics to kill or crush a promising (read: dangerous) upstart company. They would sue over some non-issue and make them go bankrupt over the court costs, just buy them out or simply change their products so they become incompatible with the rest of the world (again).

Open Source software, of which projects like Apache, Samba, and Linux are

the most prominent examples, forces Microsoft to play fair in order to participate. You cannot sue a project whose 10,000s of developers are spread throughout the globe, connected only by e-mail. You cannot buy out a company because these people don't work for a company, they do it in their free time. You cannot just take away their source code and use it yourself because the only licence that allows distribution also FORCES you to publish all your changes, and allow all your customers the same license.

(Microsoft tried, though: In 1998, they silently offered Linus Torvalds \$1,000,000 if he were to work for Microsoft (and discontinue / hand over Linux). Linus replied he didn't even own 1% of the source code, and to take over Linux Microsoft would have to create separate contracts with some 500,000 developers around the globe, each of which contributed some piece of code to the Linux operating system.)

Microsoft's licenses are based on taking away rights: you are not even allowed to install a copy of Windows on a new computer when you discard your old one. Licenses like the GPL are based on freedom: You can do everything you want with the software (which you couldn't do under normal copyright), as long as you credit everyone whose work you are basing yours on, and publish your additions or improvements at least as freely as the original was.

CONCLUSION: Open Source software makes companies watch their honesty. If they are honest, and contribute to the people, they can share the giant mind pool that is Open Source, and gain a huge advantage. Open Source makes it hard for businesses to earn money by screwing their customers. This is very important.

2) What does this mean for the Internet?

Open Source, or rather its predecessors, basically created the culture around the Internet as we know it today: UNIX was (and still is) not only an operating system, it is an intellectual culture, where research thrives and which at the same time holds the internet together. It is no wonder that OSS projects like Apache, BIND, Sendmail and so on basically 'own' the Internet - Microsoft's products, like IIS, Windows 2000 etc. (now called 'petri dish software' by some IT experts because of the number of recent virus attacks, security holes and weaknesses) have never managed to get a real hold onto the Internet, simply because they lack the culture, not to mention they are technically inferior.

Open Source keeps the Internet the place it was: an open environment, inviting everybody to participate, and allowing everybody to integrate their services (whether professional, commercial, or hobby) into the 'net.

The alternative is what Microsoft is trying to push: a closed, commercial

environment, where Microsoft's services decide whether you get access to ANYTHING [see Hotmail, Passport, etc], where Microsoft's products kill compatibility, extending open standards with proprietary extensions [Kerberos, HTTP, ...] so that competitors' products fail, and where in order to be 'compatible' you have to use those standards that Microsoft forces into the market - no matter if they are an improvement or more like a 'Verschlimmbesserung'.

I think the Internet is far too valuable a resource to be restricted and perhaps destroyed by commerce, and - who knows - maybe the next generation's Einstein is right now setting up his first Geocities home page? Isn't the heap of crap that you CAN find on the 'net nowadays WORTH the occasional super genius project?

CONCLUSION: Open Source software provides an environment where EVERYBODY can participate, not just those with a big purse, or the right business connections.

3) Open Source _drastically_ lowers the cost of entry for new companies

This has been elaborated in an article on the Web, I've commented it a little and emphasized the important points (note for the article: wording is the original authors, emphasis is mine). Please have a look at

http://slash.jensbenecke.de/article.php3?story_id=45

for more information. Cost reduction is also very important, for just about every industry.

I sincerely hope that Microsoft will continue to be allowed to do fair and only fair business and create quality products without artificial restraints, but I expect the government to actively regulate MS's influence on the rest of the world. This might be a little sarcastic, but if Microsoft is allowed to continue to extend their strangle hold on the industry like it did in the past, we might be much nearer a scenario like this

<http://www.jensbenecke.de/ms/ms-guidance-software.jpg>

or this

<http://www.jensbenecke.de/ms/ms-wd2k.png>

than we think.

Thank you for your kind attention.

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Jens Benecke

Leiter Technik / Administration

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